MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES MAY 24, 2022

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice Chair

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department

of Agriculture

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Catherine Cosgrove

Gary Dell

Elizabeth Hill

Joseph Wood

J. Bruce Yerkes

Trustees Absent:

Jerome Klasmeier, representing Comptroller Peter Franchot Gilbert "Buddy" Bowling

Others Participating:

Michelle Cable, MALPF Executive Director

Diane Chasse, MALPF Administrator

Sarel Cousins, MALPF Administrator

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Cherlyn Phillips, MALPF Temp. Fiscal Specialist

Patrick Martyn, Assistant Attorney General, Department of General Services

Renee Dyson, Assistant Attorney General, Department of General Services

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Megan Benjamin, Baltimore County Program Administrator

Donna Landis-Smith, Queen Anne's County Program Administrator

Jeanine Nutter, Prince George's County Program Administrator

Ben Zito, Wicomico County Program Administrator

Kathleen Seay, Charles County Staff

J.P. Smith, Jr., Carroll County Program Administrator

Billy Gorski, Anne Arundel County Staff

Darryl Andrews, DGS Appraiser

Julie Enger, DGS Appraiser

Elizabeth Beales, Caroline County Program Administrator

William Goldman, Cecil County Staff

Mr. Allen, Chair, called the meeting to order at 9:05 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from April 26, 2022.

Motion #1:

To approve minutes from April 26, 2022.

Motion:

Kille

Second:

Yerkes

Status:

Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable introduced Cherlyn Phillips, a temp that has joined the MALPF team filling the Fiscal Specialist vacant position. In addition, Ms. Cable wished Diane Chasse a happy birthday.

Ms. Cable also asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. PRINCE GEORGE'S COUNTY

1. 16-20-01

Bonnie Breeze Farm, Inc. (Dwight Catterton, President)

~234.775 acres

Request - Prince George's County:

Request approval for an owner's lot of up to two acres.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Ms. Nutter was available to address the Board.

Motion #2:

To approve an owner's lot, up to 2-acres, as presented.

Motion:

Kille

Second: Herr-Cornwell

Status:

Approved

B. CARROLL COUNTY

 06-86-15 Rhodes Family (Marlin, Lucas and Linda) ~161.876 acres and Leonard C. Schisler and 12 acres of easement owned by Carroll County

Request - Carroll County:

The County is requesting re-approval for the County to acquire by fee simple deed and release from the easement, in lieu of condemnation, ~12.063 acres of easement land for a future reservoir.

Recommendation:

Staff recommends approval of the request subject to:

- 1. Board of Public Works approval; and
- 2. Payback to MALPF of \$11,909.67 (987.29 per acre x 12.063).

Following the satisfaction of the foregoing conditions, a partial release of the MALPF easement will be recorded in the land records.

Ms. Chasse introduced the item. Mr. Smith was available to address the Board.

Motion #3:

To re-approve the request of Carroll County to acquire fee simple interest in ~12.063 acres of the easement, releasing the easement, for the land to be used for a future reservoir, incorporating staff recommendations, as presented.

Motion:

Dell

Second:

Connelly

Status:

2.

06-79-08B

Approved

Hull, John Jr. and Illona

~104.787 acres

Request - Carroll County:

Request approval of an agricultural subdivision of the original easement's non-contiguous parcels.

The Landowner is requesting approval to agriculturally divide the easement property to create a ~86-acre parcel (Parcel 1) and a non-contiguous ~18.7-acre parcel (Parcel 2).

Recommendation:

Staff recommends approval, subject to completing the Corrective Easements including

- 1. Providing a survey plat or plats depicting the divided parcels, along with separate metes and bounds perimeter descriptions of the divided parcels;
- 2. A provision waiving all rights to request termination of the easement (per COMAR 15.15.12.04 B); and
- 3. A provision to make the main dwelling non-subdividable, per landowner agreement. In addition, if a child's lot is approved, the landowners have agreed that that will be non-subdividable, as well.

Ms. Chasse introduced the item. Mr. Smith was available to address the Board.

Motion #4:

To approve the agricultural subdivision, incorporating staff recommendations, as presented.

Motion:

Herr-Cornwell

Second: Dell

Status:

Approved

3. 06-79-08B

Hull, John Jr. and Illona

~104.787 acres

Request - Carroll County:

Request to approve a 1-acre nonsubdividable child's lot for daughter Heather Susan Hull Whirley

Recommendation:

If the prior request for agricultural subdivision of the Hull easement is approved, then Staff recommends approval, subject to documentation of the 1-acre nonsubdividable lot in the Corrective Easement which is required for the agricultural subdivision.

As this request is for a non-subdividable child's lot, the entire ~18.7 acres may not be sold to a third party until the five (5) year occupancy requirement has been satisfied.

Ms. Chasse introduced the item. Mr. Smith was available to address the Board.

Motion #5:

To approve a 1-acre, non-subdividable child's lot for Heather Susan Hull Whirley, incorporating staff recommendations, as

presented.

Motion:

Herr-Cornwell

Second: Dell II

Status:

Approved

C. ANNE ARUNDEL COUNTY

1. 02-86-02B

Perry Farm, LLC

~80 acres

Request - Anne Arundel County:

Request for a 5-year extension to the validity of the preliminary release for the approved child's lot for Dale Clark.

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extension.

Ms. Cousins introduced the item. Mr. Gorski was available to address the Board. Mr. Gorski asked if there was a time limit for preliminary release extensions. Ms. Cable answered there is no limit.

Motion #6:

To approve the 5-year extension of the preliminary release for

Dale Clark's child's lot, as presented.

Motion: Status: Yerkes Approved Second:

Herr-Cornwell

D. WICOMICO COUNTY

1. 22-91-17A

Alice Brittingham, Trustee

~ 84 acres

Request - Wicomico County

A) Request approval to re-designate the pre-existing dwelling as a 1.0-acre non-subdividable owner's lot, retaining the full pre-existing dwelling right.

B) If the above request is approved, then the landowner further requests approval to relocate and release from the easement a lot of up to 2.0 acres.

Recommendation:

Staff recommends approval subject to the following conditions:

- 1. Reimbursement of the amount paid to the landowner on a per-acre basis, at the rate of \$878.52 for:
 - a. the 1.0-acre area constituting the owner's lot; and
 - b. any acreage above 1.0 acre for the relocated pre-existing dwelling lot.
- Landowner signing an Amendment that will be recorded in the Wicomico County land records to memorialize:
 - a. that the 1.0-acre non-subdividable owner's lot will never be released from the property; and
 - b. that landowner acknowledges that she must remain an owner of the entire farm and live in the house on the owner's lot for a period of five years.
- The landowners shall be responsible for all costs in conjunction with this request, including title and survey.
- 4. The landowner signing and returning a letter advising of the approval and memorializing the conditions stated herein.

Ms. Cable introduced the item. Mr. Zito was available to address the Board. Ms. Cable requested the Board to make two separate motions for the requests.

Motion #7:

To approve the re-designation of the pre-existing dwelling as a

non-subdividable owner's lot, incorporating staff

recommendations, as presented

Motion:

Herr-Cornwell

Second:

Dell

Status:

Approved

Motion #8:

To approve the relocation and release of the pre-existing dwelling right, incorporating staff recommendations, as

presented

Motion: Status: Goodall Approved Second:

Herr-Cornwell

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

N/A

VIII. CLOSED SESSION

Mr. Allen asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and (7) to consult with counsel to obtain legal advice.

Motion #9:

To adjourn the regular session at 9:31 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to consult with counsel to obtain legal advice.

Motion:

Cosgrove

Second: Kille

Status:

Approved

The Closed Meeting of the Board was held from 9:40 a.m. to 9:56 a.m. on May 24, 2022, via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

- (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and
- (7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Gary Dell, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: Jerome Klasmeier, representing Comptroller Peter Franchot, Elizabeth Hill and Gilbert "Buddy" Bowling.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Sarel Cousins, Kim Hoxter, Cherlyn Phillips, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of April 25, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2022 Offers

Respectfully Submitted:

Michelle Cable, MALPF Executive Directo